

### REMARKS

The drawings were objected to as not showing the spring recited in claim 9. Enclosed herewith is a new FIG. 5 which shows the spring 9. Support for this figure is provided on page 2, lines 27-30. It is submitted that new matter is not entered.

The specification on page 4 has been amended to insert a description of new FIG. 5. The invention describing FIG. 5 is between lines 11 and 14.

Claim 4 was rejected as being indefinite because "the thermoplastic rubber" lacks an antecedent basis. Claim 4 has been amended to substitute "thermoplastic material" therefor, there being an antecedent basis for "thermoplastic material" in independent claim 1.

Claims 1-3, 9-11, 14 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by *Soffer et al.* Claims 2, 3 and 14 have been canceled herein without prejudice or disclaimer.

The applicant does not agree that claims 1, 9-11, and 15 are anticipated by *Soffer et al* (US2,049,163).

In *Soffer et al* the "ring 50" and the "elastic tubular skirt" (rubber-like) 18 are different elements and not understood as forming grommet. The function of ring 50 is to be a "retention ring" (column 2, line 25), and therefore is not a part of the grommet but is a part of the valve as a whole.

Furthermore the sealing part in *Soffer et al* is a part of said skirt and therefore is a rubber-like component (sealing flange 19, column 2 lines 15-17) which is in contact with the content of the container. This is not the case in the present invention.

Claims 1-3, 10, 11, 14 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by *Turk*. Claims 2, 3 and 14 have been canceled herein without prejudice or disclaimer.

The applicant does not agree that claims 1, 10, 11 and 15 are anticipated by *Turk* (2,992,760).

Parts 32 and 64 of *Turk* are not integral parts to form a single grommet. In column 2, lines 46-49, the reference indicates that member 64 rests on shoulder 36. The plug 26, shoulder 36 and seat 32 form an integral part which is a grommet. Note in FIG. 2 that the cross-section lines for member 64 are formed at a different angle from the cross-section lines of members 26, 36 and 32, showing the grommet to be separate from the nozzle 64.

Additionally, compared to the present invention, there is an inversion of the position of the elastic non-thermoplastic rubber 32 (such as EPDM) and the rigid thermoplastic rubber 64 (such as Trefsin, PP, PE et.).

Indeed in *Turk*, it is the elastic, non-thermoplastic rubber 32 that is in contact with the content of the container, and the thermoplastic material 64 is not. See in *Turk* the drawings in general and description column 2, line 8 "flange 32 which rests against the inside of the closure 16". The present application has a structure which differs from the reference.

The applicant further disagrees with the rejection under 35 U.S.C. 103(a) since the structure of the grommet of the application differs from that of either *Soffer et al* or *Turk*. Combining the references would not provide a grommet as claimed by the applicant.

Accordingly, allowance of claims 1, 4-11 and 15 is respectfully requested.

New claims 16 and 17 have been inserted herein. Claim 16 is the same as claim 10 except that it depends from claim 15. New claim 17 recited an alternate method for manufacturing a grommet using a dual injection technique as shown in FIGS. 4a-b.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

April 9, 2008  
Date

Respectfully submitted,

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<p><b>CERTIFICATE OF TRANSMITTAL</b> I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p>Date: April 9, 2008 Express Mail No. EB755354191US</p> <p>By: <u>Carolyn H. Bates</u> Carolyn H. Bates</p>
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